

Serial No. 09/909,229
Response to Office Action Mailed November 16, 2005

Filed: December 30, 2004

REMARKS

Claims 1-7, 9-16, 19-23, 25-30, and 32-35 are pending in the present application. Independent Claims 1, 11, 19 and 25 have been amended to further clarify the claimed invention and dependent Claims 8, 17-18, 24 and 31 were canceled. In addition, dependent Claims 21, 22, 23, and 34 were amended to maintain antecedent basis, or to further clarify that which was previously claimed. Further, Claims 5 and 13 have been amended to correct scrivener's errors. The present amendments return Claims 5 and 13 to the condition of original Claims 5 and 13. Applicant respectfully requests reconsideration based on the amendments and the following remarks.

Telephonic Interview

Applicant thanks the Examiner for the courtesies extended during the telephonic interview of February 7, 2006 between Examiner Sudhanshu C. Pathak and Applicant's representative Sanders N. Hillis (reg. no. 45,712) in which independent Claims 1, 11, 19 and 25 were discussed. In addition, Applicant's admitted prior art, U.S. Patent No. 6,009,109 to Binder, and U.S. Patent No. 6,327,273 to Van der Putten et al. were also discussed.

Premature Final Rejection

As was discussed during the telephonic interview of February 7, 2006, prior to the present response, independent Claims 19 and 25 are original un-amended claims. In the office action mailed November 16, 2005, Claims 19 and 25 stand as rejected under a new grounds of rejection that was neither necessitated by Applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 C.F.R. §1.97(c). Thus, the final rejection of Claims 19 and 25 is premature. (MPEP 706.07) Accordingly, the present response is being filed based on the office action mailed November 16, 2005 being a non-final office action.

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Claim Objections

Claim 1 has been objected to for including the limitation of "converting the source information." In the office action it has been asserted that the limitation should actually be "converting the received digital information." During the telephonic interview of February 7, 2006, Applicant's representative and the Examiner agreed that it is the source information processed at the first rate in the first step that is sample rate converted in last step of Claim 1. Thus, Applicant respectfully requests withdrawal of the objection to Claim 1.

Claim Rejections – 35 U.S.C. §103(a)

Claims 1-2, 4-7, 9-10, 16, 22, 25-30, 32-33 and 35 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of Applicant's Admitted Prior Art and US Patent No. 6,009,109 to Binder (hereafter "Binder"). In addition, Claims 3, 11-15, 19-21, 23 and 34 stand rejected pursuant to 35 U.S.C. §103(a) as being obvious in view of the combination of Applicant's Admitted Prior Art, Binder and US Patent No. 6,327,273 to Van der Putten (hereafter "Van der Putten"). Applicant respectfully traverses these rejections since all of the features provided in amended Claims 1-7, 9-16, 19-23, 25-30, and 32-35 are not taught, suggested or disclosed by the cited prior art either alone or in combination. Thus, a *prima facie* case of obviousness has not been established.

Claims 1-7, and 9-10

The method of Claim 1 has been amended to include the steps of determining a ratio of the first rate and the second rate, identifying redundant source information in the digital information based on the ratio, and sample rate converting only the non-redundant source information. As was discussed during the telephonic interview of February 7, 2006 none of the cited prior art either alone or in combination teaches, suggests or discloses these limitations. Thus, a *prima facie* case of obviousness has not been established for Claim 1. In addition, Claims 2-7 and 9-10 depend from independent Claim 1 and therefore a *prima facie* case of obviousness has not been established for Claims 2-7 and 9-10 for at least the same reasons. Accordingly, Applicant respectfully requests the withdrawal of the 35 U.S.C. §103(a) rejection of Claims 1-7 and 9-10.

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Claims 11-16

Claim 11 has been amended to include the limitations of Claim 18 and Claim 18 has been canceled. In the office action mailed November 16, 2005, Claim 18 was indicated as allowable if amended to include the base claim and any intervening claims. Thus, Claim 11 and Claims 12-16 dependent therefrom are now allowable. Applicant respectfully requests the withdrawal of the 35 U.S.C. §103(a) rejection of Claims 11-16.

Claims 19-23

Claim 19 has been amended to include extracting a source counter value (CV(m)) from digital information transmitted over the synchronous network, the source counter value (CV(m)) representative of the sample rate of the source information, wherein the digital information comprises a plurality of source information words disposed in a network frame, and sample rate converting the source information as a function of the network counter value (NCV) and the source counter value (CV(m)), wherein a ratio of the network counter value (NCV) and the source counter value (CV(m)) is less than or equal to the number of source information words within the network frame. Similar to Claim 11, none of the cited prior art teaches, suggests, or discloses these limitations, and Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claims 19 and Claims 20-23 depending therefrom.

Claims 25-30, 32-35

Claim 25 has been amended to describe wherein the digital information is clocked into the synchronous network in a plurality of network frames, each of the network frames comprising at least two source information words, and wherein a ratio of the first rate and the second rate is less than or equal to the number of source information words in each of the network frames. None of the cited prior art, either alone or in combination teaches, suggests or discloses such limitations. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection of Claim 25 and Claims 26-30 and 32-35 depending therefrom.

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Terminal Disclaimer

In view of the significant amendments to the claims of the present application, Applicant respectfully requests reconsideration and withdrawal of the provisional obviousness type double patenting rejection that was based on co-pending and commonly owned US Patent Application Serial No. 10/223,263.

Conclusion

Applicant believes that the present pending claims of this application are allowable and respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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